REMARKS:

Claims 24-30, 33, 35-37, 41-45, 48-54, and 56-63 were pending in this application. Claims 41, 48, and 56-63 were amended. Claims 64-68 were added. Therefore, claims 24-30, 33, 35-37, 41-45, 48-54, and 56-68 remain pending in this application.

The amendments are supported throughout the specification, including, but not limited to, the following passages: pages 3, 6-8, and 14-16, as well Figures 1, 5, and 12.

Section 112 Rejections

Claims 56-63 stand rejected under 35 USC 112, first paragraph, for "failing to comply with the written description requirement," and specifically because the "application fails to mention a computer readable memory medium and the computer readable memory medium was not disclosed within the originally filed claims." *See* Office Action at 3. Applicant respectfully disagrees and notes that the memory medium is in fact disclosed in the specification. For example, the application discloses a computer system that executes the elements of claim 56 at least on pages 3, 6-8, and 14-16, as well as clearly shows a computer system operable to perform this functionality at least in Figures 1, 5, and 12. Applicant submits that one of ordinary skill in the art would understand that a method implemented by a software application executing on a computer system uses a memory medium to store instructions for that software application. Applicant therefore respectfully requests removal of the section 112 rejections of claims 56-63.

Section 101 Rejections

Claims 41-45, 48-54, and 56-63 stand rejected under 35 USC 101 because the "claimed invention is directed to non-statutory subject matter." *See* Office Action at 3.

System claims 41 and 48 (and their dependents) stand rejected because "[e]ach unit or means of the claimed system can be interpreted as comprising entirely of software per se according to one of ordinary skill," and because the "claim language fails to provide the necessary hardware required for the claim to fall within the statutory category of apparatus." *See* Office Action at 3-4. Applicant respectfully disagrees with this assertion. Applicant notes, for example, that claim 41 recites a "computer system." Applicant fails to see how one of ordinary skill in the art would be able to interpret a "computer system" as entirely comprised of "software per se." Applicant respectfully requests that the Examiner provide support for the assertion that

a "computer system" could be comprised entirely of software, as suggested. Claim 48, on the other hand, includes several means-plus-function limitations. The "second means," for example, recites the function of "generating a unique time-based identifier for each of at least a subset of the received electronic documents, wherein the time-based identifier for each of at least a subset of the received electronic documents corresponds to a point in time at which the corresponding electronic document was received." Structure disclosed in the specification that corresponds to this function includes, for example, elements 30, 38, and 40 of Figure 1. Thus, like claim 41, claim 48 recites structure that cannot be described as solely "software per se." Applicant thus respectfully requests removal of the section 101 rejection of claims 41-45 and 48-54.

Claim 56 (and its dependents) stand rejected because the "specification fails to provide support for the term 'computer readable memory medium,'" and that this term "can be construed to cover non-statutory embodiments which include network transmission lines… wireless transmission media…radio waves, infrared signals, etc." *See* Office Action at 4. As noted above, Applicant respectfully disagrees the term lacks support in the specification. Nevertheless, Applicant has also amended claim 56 to recite that the computer readable memory medium is "tangible." Applicant therefore respectfully requests removal of the section 101 rejection of claims 56-63.

Section 102 Rejections

The Examiner rejected the claims 24, 25, 27, 28, 33, 35, 41-43, 45, 48-52, 56, 57, and 61 under 35 U.S.C. § 102(e) as being anticipated by U.S. PGPub 2005/0125714 to Freeman et al. *See* Office Action at 6. Applicant traverses these rejections.

Claim 24

Claim 24 recites:

A method, comprising:
  receiving a succession of electronic documents into a document management system, wherein each of the succession of electronic documents is received at a corresponding point in time; and
    for each of at least a subset of the received electronic documents:
      generating a unique time-based identifier corresponding to the point in time at which the electronic document was received; and

storing the electronic document in a storage system at a storage location corresponding to the unique time-based identifier for the electronic document;

wherein the electronic document is retrievable from the storage system using its unique time-based identifier.

Applicant submits that Freeman does not teach or suggest, among other things, "storing the electronic document in a storage system at a corresponding storage location corresponding to the unique time-based identifier for the electronic document," as recited in claim 24.

Instead, Freeman teaches a "document stream operating system" in which "documents are stored in one or more chronologically ordered streams." *See* Freeman Abstract. A "stream" in Freeman is generated by a "computer program" by "organizing one or more data units" including by "receiving one or more of the data units, each of which is associated with one or more chronological indicators" and by "linking each of the data units according to the chronological indicators to generate one or more streams of data units." *See* Freeman at [0019]. ("Data units" in Freeman can be "documents," for example. *See* Freeman at [0019] and [0033].) Freeman thus teaches storing, organizing, and displaying "chronologically ordered streams" by using and operating on "link[ed]" "data units" [documents], Freeman at [0011], [0014] and [0019]-[0020], but does not teach or suggest "storing the electric document in a storage system *at a storage location corresponding to the unique time-based identifier for the electronic document*" as recited in claim 24.[1] Freeman is silent about any underlying "storage location" corresponding to its "streams."

The Office Action cites Freeman at [0049] as allegedly teaching "storing the electronic document in a storage system at a storage location corresponding to the unique time-based identifier for the electronic document" of claim 24. *See* Office Action at 6. Applicant respectfully disagrees and notes that the cited portions of Freeman instead teach that "[o]pen documents may be offset to the side to indicate when the document is being edited." *See* Freeman at [0049]. This feature refers to the "viewport feature" of Freeman, which allows the users to "slide the mouse pointer 10 over the document representations to "glance" at each document, or use the scroll bar 20 in the lower left-hand corner to move through time, either into the past or into the future portion of the stream." *See* Freeman at [0048] and Figure 1. However,

---

[1] Freeman certainly does not teach or suggest "wherein said retrieving the electronic document from the storage system includes presenting its unique time-based identifier to the storage system" as recited in newly added dependent claim 65, which depends from claim 24.

the cited portions of Freeman do not teach or suggest "storing the electronic document in a storage system at a storage location corresponding to the unique time-based identifier for the electronic document" as recited in claim 24.

Accordingly, independent claim 24 and its respective dependent claims are believed to be patentably distinct over Freeman for at least these reasons. Independent claims 41, 48, and 56, and their respective dependent claims, are believed to be patentably distinct over Freeman for at least reasons similar to those stated for claim 24.

Therefore removal of the § 102 rejections of claims 24, 25, 27, 28, 33, 35, 41-43, 45, 48-52, 56, 57, and 61 is respectfully requested.

103 Rejections

The Office Action rejects various dependent claims under 35 U.S.C. 103(a) as being unpatentable over Freeman in further view of US Patent No. 6,192,165 to Irons. Applicant disagrees with these rejections. Applicant asserts that since the independent claims have been shown to be patentably distinct, a further discussion of these dependent claims is not necessary at this time.

Furthermore, with regard to Irons, Applicant submits that the cited Irons reference is not prior art to the pending claims under 35 U.S.C. § 103. Applicant submits that the pending claims are entitled to a priority date of at least September 17, 2000, the filing date of the application that issued into U.S. Patent No. 6,775,422. Even assuming Irons could be considered prior art to the pending claims (which Applicant does not concede), the pending claims are patentably distinct over Irons, for at least the reasons argued in Response to Office Action filed on January 21, 2008.

Applicant also asserts that numerous ones of the remaining dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the remaining dependent claims is not believed necessary at this time.

Therefore removal of the section § 103 rejections of these dependent claims is respectfully requested.

CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-72402/MRW.

Respectfully submitted,

Date: <u>August 28, 2008</u>   By: <u>/Martin R. Wojcik/</u>
                                                Martin R. Wojcik
                                              Reg. No. 57,577

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8826